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TO: USPTO – Petitions Branch

PAGES: 1 of 5

FROM: David W. Osborne

FACSIMILE NO.: 1-571-273-8300

DATE: December 1, 2005

TRANSMITTED BY: Julia Sargeant

OUR DOCKET NO.: 23625.CON / Application No. 10/764,016

SUBJECT:

**RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM
FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. § 1.78 (a)(3)**

Office of Petitions
PO Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Transmitted herewith is the RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. § 1.78 (a)(3) for Attorney Docket No. 23625.CON, Application No. 10/764,016. Thank you.

Sincerely,

David W. Osborne
Thorpe North & Western, LLP
Customer No. 20,551
Reg. No. 44,989

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PAGE 1/5 * RCVD AT 12/1/2005 5:02:15 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/27 * DNI:2738300 * CSID:801 566 6673 * DURATION (mm:ss):01:26 —

DEC-01-2005 THU 02:58 PM THORPE NORTH & WESTERN

FAX NO. 801 566 6673

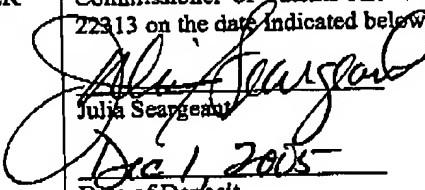
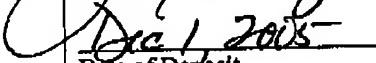
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Patent App. SN: 10/764,016
Attorney Docket No. 23625.CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Fikstad et al.	CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8
SERIAL NO.:	10/764,016	I hereby certify under 37 CFR § 1.8 that this correspondence is being facsimile transmitted to the USPTO or being deposited with the United States Postal Service with sufficient postage as first class postage in an envelope addressed to Commissioner of Patents Alexandria, VA 22313 on the date indicated below.
FILED:	January 23, 2004	 Julia Seagren
FOR:	PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE	 Dec 1, 2005
ART UNIT:	1614	Date of Deposit
EXAMINER:	Royds, L.	
DOCKET NO.:	23625.CON	

RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. §
1.78(a)(3)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a resubmission of a petition to correct a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3), and in accordance with the fees set forth in 37 C.F.R. 1.17(t) which have previously been paid.

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REMARKS

Applicants resubmit this petition to amend a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3). Applicants submit that the entire delay for filing the proper claim of benefit was unintentional and respectfully requests acceptance of this petition.

Patent App. SN: 10/764,016
Attorney Docket No. 23625.CON

PARAGRAPH REQUIRED BY 35 U.S.C. 120 AND 37 C.F.R. 1.78(a)(2)

Please add the following text required by 35 U.S.C. 120 and 37 C.F.R. 1.78(a)(2) after the title "PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE" and before the paragraph entitled "1. Technical Field:"

Priority Data

"This application is a continuation of U.S. Patent App. No. 10/700,838 filed on November 3, 2003, which is a continuation in part of U.S. Patent App. No. 10/428,341 filed on May 1, 2003, now issued as U.S. Patent No. 6,923,988, which is a continuation of U.S. Patent App. No. 09/800,593 filed on March 6, 2001, now issued as U.S. Patent No. 6,569,463, which is a division of U.S. Patent App. No. 09/447,690, now issued as U.S. Patent No. 6,248,363."

Patent App. SN: 10/764,016
Attorney Docket No. 23625.CON

CONCLUSION

The required fee of \$1,370.00 as specified in 37 C.F.R. 1.17(t) has previously been paid.

Dated this 1st day of December 2005.

Respectfully submitted,

THORPE, NORTH & WESTERN, LLP



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